

question of whether your testimony or your books would be personally objectionable to him?"

"He did not."

"Neither that or in substance?"

"No."

**No Talk of Fuller's Testimony.**

"Was anything said between you as to the probable effect of your testimony?"

"No," said Mr. Fuller firmly.

He said that before seeing Mr. Sulzer he had consulted his own attorney, Judge W. M. K. O'Leary of New York. Mr. Fuller said he had no further communication with the Governor until September 11, the day before Mr. Fuller testified before the impeachment managers in their office at 29 Wall street. Again the two men were alone, this time in Mr. Sulzer's former office at 115 Broadway. All the Governor wanted was a transcript of his account to give to Judge Herrick, chief counsel for the defense.

"Mr. Sulzer asked me if I would come to Albany if he wanted me to explain the account to him," Mr. Fuller continued. "I told him that I had received a subpoena to appear before the board of managers and that it was a question in my mind if it was wise for me to refuse. I thought I should answer any questions that they asked me."

"And what did the Governor say?" Mr. Kresel suddenly asked.

"He did not say anything," Mr. Fuller replied.

**Broker Before His Customer.**

But a moment later Mr. Kresel scored when he put this query:

"Did you appear before Gov. Sulzer early this year with reference to certain legislation which was pending in the Legislature affecting the New York Stock Exchange?"

"I did," said Mr. Fuller.

"At that time Gov. Sulzer's account was still in your office?"

"It was."

"That is all," said Mr. Kresel, turning away with a smile.

The Stock Exchange bills were submitted as evidence in the prosecution today. Tomorrow the prosecution expects to have testimony to support section 8 of the impeachment articles. That section charges the Governor with violating his oath and the Penal Law by corruptly using his authority to affect the price of securities in some of which he was speculating, by urging the passage of the so-called Stillman bills, later withdrawing his support of those bills.

"All the time," in the language of the articles, "concealing his identity in said transaction by subterfuge."

One of the bills from which the Governor withdrew his support was intended to increase the stock transfer tax from 2 cents to 4 cents. At that time the newspaper correspondents may be asked to testify as to this.

**Told Governor to "Keep Quiet."**

It was Cornelius S. Pinckney, a lawyer with an office in the Woolworth building, who revealed today that the Governor asked him to keep quiet about a contribution of \$200. The interview took place at 115 Broadway.

"I talked to him about the conditions of the campaign," Mr. Pinckney testified, "and I asked him whether he was in need of any money. He said he was not, but he would like to have contributions, so long as the persons who gave it to him felt as though they could afford it and I said that I did not intend to write a check. I started to write 'Pay to the order of William Sulzer.' He told me not to make the check to the order of William Sulzer, but to make it to the order of Louis A. Sarecky. I wrote the check as he asked me. I gave it to him personally."

"As you started to go out of the office did Candidate Sulzer say anything to you?" Mr. Stanchfield asked.

"Yes, sir, he did. He said that this was a personal matter between himself and myself, that he considered anything like this as a gift. I think was the word he used, and that he did not intend to make any record of any kind or account for the check. If I remember exactly, his words were:

"I do not intend to account for these kind of gifts, they must be made to me personally, don't say anything about it, simply between you and myself."

The other contributions reported today were \$500 from Frank M. Patterson, a New York lawyer, and \$100 from ex-Congressman Harvey C. Garber, former Democratic National Committeeman. Mr. Patterson called his a personal contribution in addition to his regular gifts to campaign committees."

**Deposits in Carnegie Trust Co.**

When he had brought the account up thus far Mr. Fuller was almost hidden from the view of the court by the pile of his firm's books on the rail in front of him. The court clerk was pressed into service to help him juggle things around so he could get at what he wanted.

There was no change in the Sulzer account from November 11, 1910, to April 26, 1911. By this time Big Four was away down the scale, selling at 57, with Mr. Sulzer still clinging to it. The account was a bull market, and would come sooner or later and send it to the skies.

From December, 1911, to November 15, 1912, there was a change in the value of the stocks and the addition of interest charges. However, these items were sufficient to reduce the brokers' profit to \$12,200 and to cause the brokers' disquiet. On July 15, 1912, they were moved to send him a letter, a sharp one. They threatened now to sell him out, he placing stop orders on his securities.

The letter follows:

**Threat to Sell Him Out.**

"William Sulzer, 115 Broadway, New York City. We have repeatedly requested you to deposit funds to protect your account without response. We therefore must insist that our demand be immediately complied with. Pending the receipt of the money required we will endeavor to place stop orders on your securities, but owing to the wide market in C. C. & St. Louis it will be almost impossible to mark these stocks without considerable loss, in the event of which we will hold you responsible for any loss that might occur."

"Kindly give this your immediate attention and avoid the loss of your securities."

Trusting that we will be favored by return mail with your check of \$8,000, the amount necessary, we are, yours truly,

**"HARRIS & FULLER."**

This letter brought no action immediately. But on November 15 the candidate asked Mr. Fuller to come and see him at 115 Broadway. The broker went and Mr. Sulzer handed him \$10,000.

"I told him to credit it to his account," said Fuller.

On that day the Sulzer account was backed up by only about \$2,000 margin on the 500 shares it carried.

**Brokers Dan After Election.**

Big Four, a 100 share lot, was bought for \$12,200 on December 5, 1912. On December 16 there was another cash payment of \$6,000, and on the next day Mr. Sulzer withdrew 100 shares of the Big Four, numbered C 25681, his margin being then \$7,233.

In the meantime another dunning letter had passed from the brokers to the Governor-elect. It was of December 11, 1912, and followed:

"As you are no doubt aware, a paniclike condition has existed in the market for the last few days. We would therefore appreciate a deposit from you."

To this was made the following answer by Mr. Sulzer's secretary:

"Your letter to Congressman Sulzer received. He will be glad to take the matter up with you when he comes to Albany."



Copyright, 1912, by American Press Ass'n.

**Sulzer's Wall Street Brokers**  
Melville B. Fuller and Arthur Fuller.

What Mr. Spriggs had said was that he had been told by Gov. Sulzer that his account, the "agreeable" message wasn't accepted because Harris & Fuller insisted on having a more definite order from their customer.

On July 15 a new entry in the person of Lieutenant-Commander Josephthal, of the Governor's staff, a member of the Stock Exchange house of Josephthal, Lombhert & Co., brought this card from Gov. Sulzer:

"Please carry out the suggestion of the bearer, Commander Josephthal."

The suggestion of the bearer was that account No. 63 should be transferred to from Mr. Sulzer to Mr. Josephthal, Commander Josephthal finally presented an order which the brokers considered proper. It was as follows:

"New York, N. Y., July 14, 1913. 'GENTLEMEN: Please deliver to Lieutenant-Commander L. M. Josephthal the securities now held as collateral in my loan upon the debit of the debt balance due thereon. Yours truly,

**"WILLIAM SULZER."**

"For Mrs. SULZER."

**At Stock Exchange Hearing.**

Mr. Fuller testified before the Frawley committee on August 6 and again ten days later. The first time he was alone, the second with his counsel, ex-Judge W. M. K. O'Leary. He said that between July 15 and September 18, 1913 he received no messages in any way from the Governor. Did you ever ask Mr. Sulzer, with reference to certain legislation which was pending in the Legislature affecting the Stock Exchange?"

"I did."

At that time the Governor's account was still in your office?" was Mr. Kresel's final question.

**STOCK EXCHANGE BILLS**  
**IMPEACHMENT CHARGE**

Mr. Fuller was succeeded on the witness stand by Cornelius S. Pinckney, ex-Congressman Harvey C. Garber of Columbus, Ohio, now vice-president of the Rawlston Steel Car Company, said that in the fall of 1912 he mailed to William Sulzer a check for \$10,000. Take many others, this check offered in evidence, bore the rubber stamp endorsement, "William Sulzer, Louis A. Sarecky." With the check Mr. Garber sent a note, "I congratulate you upon your nomination."

Some member of the court couldn't help chuckling when Mr. Garber testified that Mr. Sulzer's reply was "I thank you for all you have said and all you have done. The check has been received by me. It has been a stock purchase in the court room. Mr. Garber, before being excused, said he sent the check ten minutes after leaving of Mr. Sulzer's nomination for Governor.

From Joseph H. Beall, City Judge of Yonkers and counsel for the brokers, Fuller & Gray, Mr. Stanchfield tried to find out the whereabouts of John Boyd Gray, who is wanted for information as to the real ownership of "Account No. 63." Judge Beall cheerfully told that Mr. Gray's business addresses, but was uncertain as to his home. He admitted that he had telegraphed Mr. Gray from Albany this morning, but the lawyer said he didn't know where Mr. Gray is, but he would try to reach him on the telephone.

**The Stock Exchange Bills.**

Gov. Sulzer's Stock Exchange bills were the next subject of inquiry. Henry G. Adams, a clerk in the Secretary of State's office, was called to the stand to identify them. Then the prosecution supplemented this evidence with Gov. Sulzer's message of January 27, recommending the passage of the bills.

Paragraphs were read by Mr. Todd of the prosecution to indicate what Gov. Sulzer was telling the Legislature at the time he had an account with Harris & Fuller. He then put in evidence the bills which Senator Stephen J. Stillman, now in Springfield, drew up to meet the Governor's request. The Governor's messages to the extraordinary session, recommending immediate action on the Stock Exchange bills, had already been read by Mr. Todd and also. With these formalities disposed of Mr. Stanchfield said:

"If the presiding Judge please, we now propose to introduce evidence under articles 3 and 4 in the articles of impeachment."

These articles charge Gov. Sulzer with fraudulently and deceitfully inducing Louis A. Sarecky, Frederick L. Colwell

"Owing to the feverish and uncertain condition of the market we must insist on immediate attention to this very important matter. Therefore, we request a deposit of \$15,000 once to bring your account up to the required margin. Failing to comply immediately with our demand, we ask you to take up or transfer your account forthwith, as we would rather have you do that than compel us to sell you out."

"Your indifference necessitates us to take this method of calling your attention to what we believe is of vital interest to yourself, therefore we are of the opinion that after you realize the importance of promptness you will immediately comply and oblige us with the amount requested."

Five days later the loan was reduced by the application of dividends and also by the receipt of a check for \$5,000 from ex-Governor A. E. Spriggs of Montana. Mr. Sulzer's partner in several business ventures, that made the amount due from the Governor, \$35,851.01. At this point the brokers again resorted to the loan method, crediting the \$35,851.01 as a new loan on their books by making a cross entry, paying one loan and making another.

On July 9 the 100 shares of Southern Pacific were sold and the proceeds credited to the account, leaving the Sulzer debt at \$26,731.71.

**MRS. SULZER'S NAME APPEARS ON JULY 14**

Recess for luncheon was taken at this point. When Mr. Fuller resumed his testimony in the afternoon he was flanked by still more books of account.

Mr. Kresel plunged again into the career of the Sulzer account, known as the brokerage office at No. 63. It was closed on July 12, 1913, and on that day the debt balance was \$26,739.71, leaving a margin of about \$6,800 over and above all indebtedness. Before the telephone referred the brokers to ex-Gov. A. E. Spriggs of Montana, his former business partner, also of 115 Broadway. And on July 8 he sent this card to one of the partners:

"What Gov. Spriggs said is agreeable to me."

What Mr. Spriggs had said was that he had been told by Gov. Sulzer that his account, the "agreeable" message wasn't accepted because Harris & Fuller insisted on having a more definite order from their customer.

On July 15 a new entry in the person of Lieutenant-Commander Josephthal, of the Governor's staff, a member of the Stock Exchange house of Josephthal, Lombhert & Co., brought this card from Gov. Sulzer:

"Please carry out the suggestion of the bearer, Commander Josephthal."

The suggestion of the bearer was that account No. 63 should be transferred to from Mr. Sulzer to Mr. Josephthal, Commander Josephthal finally presented an order which the brokers considered proper. It was as follows:

"New York, N. Y., July 14, 1913. 'GENTLEMEN: Please deliver to Lieutenant-Commander L. M. Josephthal the securities now held as collateral in my loan upon the debit of the debt balance due thereon. Yours truly,

**"WILLIAM SULZER."**

"For Mrs. SULZER."

**Didn't Know Mrs. Sulzer.**

Mr. Kresel read this order and made note of the fact that under the name "William Sulzer" appeared this "For Mrs. Sarecky" and that to his knowledge she had had no transactions with his firm. Mr. Marshall objected to this, but Judge Cullen allowed Mr. Fuller to ask Mr. Kresel, but not for the other members of his firm.

"Is there any entry upon the books of Harris & Fuller in connection with this account?" Mr. Kresel is mentioned, then asked Mr. Kresel.

"No," answered the witness decidedly.

"Did Mrs. Sulzer ever pay your firm any money in connection with this account?"

"No."

On July 12, 1913, Big Four was away down and was selling at 40. The brokers said that the credit of the Sulzer account was as follows: 500 shares of Big Four of the value of \$20,000, 200 shares of American Smelters worth \$11,825, a total of \$31,825.

Mr. Kresel showed that this \$31,825 and the \$32,200 paid to Mr. Sulzer by the brokers since 1910 made a total of \$64,025. The total loss on that account was only \$8,414.71 for the three years it endured.

**At Stock Exchange Hearing.**

Mr. Fuller testified before the Frawley committee on August 6 and again ten days later. The first time he was alone, the second with his counsel, ex-Judge W. M. K. O'Leary. He said that between July 15 and September 18, 1913 he received no messages in any way from the Governor. Did you ever ask Mr. Sulzer, with reference to certain legislation which was pending in the Legislature affecting the Stock Exchange?"

"I did."

At that time the Governor's account was still in your office?" was Mr. Kresel's final question.

**STOCK EXCHANGE BILLS**  
**IMPEACHMENT CHARGE**

Mr. Fuller was succeeded on the witness stand by Cornelius S. Pinckney, ex-Congressman Harvey C. Garber of Columbus, Ohio, now vice-president of the Rawlston Steel Car Company, said that in the fall of 1912 he mailed to William Sulzer a check for \$10,000. Take many others, this check offered in evidence, bore the rubber stamp endorsement, "William Sulzer, Louis A. Sarecky." With the check Mr. Garber sent a note, "I congratulate you upon your nomination."

Some member of the court couldn't help chuckling when Mr. Garber testified that Mr. Sulzer's reply was "I thank you for all you have said and all you have done. The check has been received by me. It has been a stock purchase in the court room. Mr. Garber, before being excused, said he sent the check ten minutes after leaving of Mr. Sulzer's nomination for Governor.

From Joseph H. Beall, City Judge of Yonkers and counsel for the brokers, Fuller & Gray, Mr. Stanchfield tried to find out the whereabouts of John Boyd Gray, who is wanted for information as to the real ownership of "Account No. 63." Judge Beall cheerfully told that Mr. Gray's business addresses, but was uncertain as to his home. He admitted that he had telegraphed Mr. Gray from Albany this morning, but the lawyer said he didn't know where Mr. Gray is, but he would try to reach him on the telephone.

**The Stock Exchange Bills.**

Gov. Sulzer's Stock Exchange bills were the next subject of inquiry. Henry G. Adams, a clerk in the Secretary of State's office, was called to the stand to identify them. Then the prosecution supplemented this evidence with Gov. Sulzer's message of January 27, recommending the passage of the bills.

Paragraphs were read by Mr. Todd of the prosecution to indicate what Gov. Sulzer was telling the Legislature at the time he had an account with Harris & Fuller. He then put in evidence the bills which Senator Stephen J. Stillman, now in Springfield, drew up to meet the Governor's request. The Governor's messages to the extraordinary session, recommending immediate action on the Stock Exchange bills, had already been read by Mr. Todd and also. With these formalities disposed of Mr. Stanchfield said:

"If the presiding Judge please, we now propose to introduce evidence under articles 3 and 4 in the articles of impeachment."

These articles charge Gov. Sulzer with fraudulently and deceitfully inducing Louis A. Sarecky, Frederick L. Colwell

**ACCUSE SULZER OF SILENCING SARECKY**

John C. Birdseye, secretary of the State Civil Service Commission, was called to attest Louis A. Sarecky's resignation of a \$2,500 stenographic job in the Governor's office to take a \$4,000 appointment in the State bureau of deportation. But as the propriety of getting at the facts by way of the Civil Service Commission was questioned by the defense and by Judge Cullen John B. Stanchfield said:

"The facts the managers propose to prove are these: In the State Hospital Commission at about this time were employed three physicians, whose function was to look after the deportation of the alien insane. About this time the Civil Service Commission was appointed by the Governor of the State that the Louis A. Sarecky named in the charge had resigned his position in connection with the Governor as private stenographer."

"Thereupon followed a series of letters back and forth between the State Hospital Commission and the Civil Service Commission, in which the Civil Service Commission was asked to let down the bars and exempt from examination competitive physicians, whose function was to look after the deportation of the alien insane. About this time the Civil Service Commission was appointed by the Governor of the State that the Louis A. Sarecky named in the charge had resigned his position in connection with the Governor as private stenographer."

"The Civil Service Commission, as this correspondence shows, did exempt him from examination. They did set aside the rule, and the setting aside of that rule was approved by the respondent as Governor of the State and Mr. Sarecky, who had been receiving a salary of between \$1,500 and \$2,500 a year, thereafter became propelled into a position that paid him \$4,000 a year."

**Sarecky Wouldn't Testify.**

"Sarecky about this time was a witness before the Frawley committee and he refused to testify and give evidence. We charge here that upon those facts the respondent was guilty of the offences the board of managers laid at his door. I am not going into the details of that testimony, if the presiding Judge please. I have stated in substance just what this proof will show."

"Wouldn't it be better to wait until you have got the conduct of Sarecky in evidence?" suggested Judge Cullen.

Mr. Stanchfield then tried to get in a report of Sarecky's conduct by reading minutes of the Frawley committee before whom he refused to answer questions. Judge Herrick demanded better evidence than that. Mr. Stanchfield proposed to question the stenographer who reported this part of the Frawley committee proceedings, and it was agreed that he should do so tomorrow.

The session continued with the prosecution refusing to concede that the writing on two cards produced by Melville B. Fuller was done by William Sulzer. The defense apparently suspected that a prosecution witness who reported these cards as standards whereby their handwriting experts could judge other signatures attributed to Mr. Sulzer, and possibly to confute the expected testimony of Mr. Sulzer that he signed his husband's name in indorsing some checks.

**FULLER REPROACHES KRESEL**

**Broker Witness Takes Lawyer to Task in Hotel Lobby.**

ALBANY, Sept. 30.—Melville B. Fuller of the New York brokerage firm of Harris & Fuller, who carried an account for William Sulzer, went up to Judge Kresel's chambers in the hotel lobby of the Hotel Ten Eyck to-night and reproached him for the manner in which Mr. Fuller was treated on the witness stand today.

"I want to say, Kresel," said Mr. Fuller, "that I resent your treatment of me today. It was certainly unfair of you to allow the inference to be got that I falsified the books of my firm to shield Sulzer. The transfer of Sulzer's account from December 30, 1912, to a loan account was absolutely on the level, and you know it."

"You had no right to make it or insinuate that the \$10,000 loan to Sulzer had been written in after the column in which it appeared had been added up. You know that the loan entry was there in the first place. The impression you created was shown in the newspapers and it is not fair."

"I have just had a telephone message from my partners in New York and they cannot understand the treatment you gave me. They say that since I agreed to testify and to make everything within my knowledge public, I should have been treated differently. It is not right that the public should get the impression that a firm which has done business in the best way as long as mine has would alter its books to protect any man."

Mr. Fuller added that Mr. Kresel ought to apologize to him in as public a manner as the reflections on him had been made. Mr. Kresel said he might make the apology if he was convinced that the entry in question had not been inserted in the column. Then he walked away, while Mr. Fuller glared after him.

**REILLY AND FRIAS IN ALBANY.**

**Cuban Contractors, Once Partners and Now Enemies, to Testify.**

ALBANY, Sept. 30.—Both Hugh J. Reilly and ex-Senator Jose Antonio Frías of Cuba, once partners in Cuban Government contracts, now enemies, are here under subpoena from the impeachment managers to testify at the Sulzer trial.

Mr. Reilly told the managers a few weeks ago that he lent William Sulzer \$10,000 in October, 1912, without note or security. He said this brought Sulzer's debt to him up to \$26,500. It is said that the managers expect Reilly will tell the same story if called as a witness. Frías has been able to throw some light on Reilly's obligations to Mr. Sulzer which caused him to be so liberal a lender.

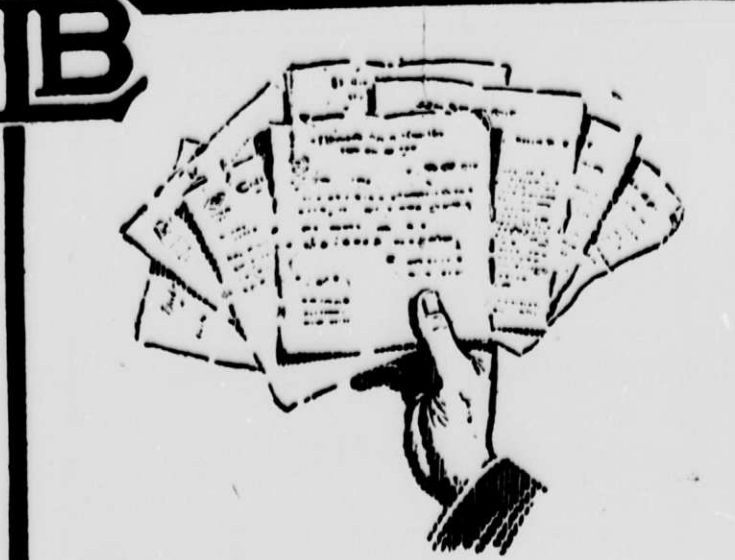
Frías and Reilly were both in the lobby of the Ten Eyck to-night, but did not speak.

John Boyd Gray of Fuller & Gray, the New York stock brokers, who carried "Account 500" in the name of Frederick L. Colwell, was reported tonight to be on his way here from New York to testify to-morrow. Through him the prosecution intends to prove that the account was really Gov. Sulzer's.

**WM. J. CONNERS A WITNESS.**

**Buffalo Leader Gets a Subpoena for Impeachment Trial.**

REPUFA, N. Y., Sept. 30.—William J. Connors, former Democratic State Chairman, was subpoenaed to testify at the Sulzer trial.



**More bouquets**

Here are extracts from some more letters from concerns that have adopted the "Automatic Index" method of filing:

**Wholesale Grocer:** "We are greatly amazed at the facility with which we can now find correspondence."

**Dry Goods:** "A great nerve saver, since we get at things when we want them."

**Manufacturer of Shoe Machinery:** "Quick, flexible and most complete."

**National Bank:** "Very much pleased—saves time."

**Jeweler:** "The checking method assures correct filing and the minimum of error."

The "Automatic Index" is an absolutely new principle in filing. It prevents misfiling, because it checks itself. It is used for every kind of filing—card indexes, card ledgers and credit information, as well as correspondence and invoices.

Write for catalog.

**Library Bureau**

Manufacturing distributors of Card and filing systems. Office, library and bank equipment. Unit card and filing cabinets in wood and steel. 316 Broadway, New York Telephone, 100 North

**WOODRUFF TO HAVE LONG REST**

Paralysis Affects Left Side, but He is Recovering.

Timothy L. Woodruff, his doctors say, will have to take a long rest before he recovers from the slight stroke of paralysis which he suffered on Monday night at Cooper Union, where he was speaking at the fusion notification meeting.

Mr. Woodruff's son, John E. Woodruff, said yesterday that his father on the whole was better.

"My father spent a quiet night," he said, "and was better this morning. But it will be necessary for him to have a rest for a month or two from politics and business."

"He is suffering from a complete collapse of his nervous system. It has partly affected his left side. His mental condition is normal."

**Famous as the "24-hour Cigar."**



Mild enough to be smoked before and after breakfast, before and after bed-time. The Lirio size, 3 for 25 cts. Box of 25, \$2.00.



Owing to the death of Mr. Isaac V. Brokaw President and Founder of this Company our store will remain closed until Friday of this week.

**BROKAW BROTHERS**  
Astor Place & Fourth Avenue

**50th YEAR**

**T.M. SEWART**  
438-440 WEST 51st ST.  
**RUG AND CARPET CLEANING**  
In Fire-Proof Building  
**FIRE PROOF STORAGE**  
For Household Goods  
Founded in 1863  
TELEPHONE 5567 COLUMBUS